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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/690,397

10/20/2003

Peter Miguel Martino

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EXAMINER

PRENTY, MARK V

ART UNIT

PAPER NUMBER

2822

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,397

Applicant(s)

MARTINO, PETER MIGUEL

Examiner

MARK V PRENTY

Art Unit

2822

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16 and 20 is/are allowed.
- 6) ☒ Claim(s) 17-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

This Office Action is in response to the papers filed on October 20, 2003.

Claims 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Kastberg et al. (United States Patent 6,191,480 – hereafter Kastberg).

With respect to independent claim 17, Kastberg discloses a spring member (see the entire patent, including the Fig. 2 disclosure) comprising a generally rectangularly-shaped plate-like member 10 defining a central opening therein and at least one finger member 14 having a distal end, said at least one finger member extending from a periphery of said generally rectangularly-shaped plate-like member to about the central opening therein, the distal end of said finger member being located at about the central opening therein, the periphery of said generally rectangularly-shaped plate-like member defining a plane, the distal end of said finger member being displaced from said plane.

Claim 17 is thus rejected under 35 U.S.C. 102(b) as being anticipated by Kastberg.

With respect to dependent claim 18, Kastberg's spring member further comprises a plurality of finger members 14 extending generally inwardly from the periphery of said generally rectangularly-shaped plate like member 10 so that respective distal ends of said plurality of finger members substantially define the central opening in said generally rectangularly-shaped plate-like member.

Claim 18 is thus rejected under 35 U.S.C. 102(b) as being anticipated by Kastberg.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kastberg et al. (United States Patent 6,191,480 – hereafter Kastberg) together with Perino et al. (United States Patent 6,619,973 – hereafter Perino).

Claim 19 depends on claims 17/18, which are rejected under 35 U.S.C. 102(b) as being anticipated by Kastberg (see above). The explanation of the above rejection of claims 17/18 under 35 U.S.C. 102(b) as being anticipated by Kastberg is hereby incorporated by reference into this rejection of dependent claim 19 under 35 U.S.C. 103(a) as being unpatentable over Kastberg together with Perino.

The difference, therefore, between claim 19 and Kastberg is claim 19's spring member comprises a beryllium-copper alloy (Kastberg does not disclose its spring member's composition).

Perino teaches forming spring members of a beryllium-copper alloy (see col. 17, lines 39-41).

It would have been obvious to one skilled in this art to form Kastberg's spring members 14 of a beryllium-copper alloy because Perino teaches that spring members are conventionally formed of a beryllium-copper alloy.

Claim 19 is thus rejected under 35 U.S.C. 103(a) as being unpatentable over Kastberg together with Perino.

Claims 1-16 and 20 are allowable over the prior art of record.

The prior art of record does not disclose or suggest the allowable devices taken as a whole, including the spring member.

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Registered practitioners can telephone the examiner at (571) 272-1843. Any voicemail message left for the examiner must include the name and registration number of the registered practitioner calling, and the Application/Control (Serial) Number. Technology Center 2800's general telephone number is (571) 272-2800.


Mark V. Prenty
Primary Examiner